

HOUSE CONSUMER AND PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
HOUSE BILL 1105

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
PROVIDING A VICTIM OF CRIME WITH STANDING TO ASSERT RIGHTS IN A
CRIMINAL PROCEEDING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Victims of Crime Act is
enacted to read:

"[NEW MATERIAL] VICTIM STANDING TO ASSERT RIGHTS IN
COURT.--

A. A victim may file a petition with the court
requesting that the victim be afforded any of the rights
guaranteed pursuant to Article 2, Section 24 of the
constitution of New Mexico or pursuant to the Victims of Crime
Act.

B. A victim may challenge an order denying a right

.156683.1

underscoring material = new
[bracketed material] = delete

1 guaranteed pursuant to Article 2, Section 24 of the
2 constitution of New Mexico or pursuant to the Victims of Crime
3 Act.

4 C. In asserting a right pursuant to Subsection A or
5 B of this section, a victim may be represented by counsel or by
6 the victim's representative.

7 D. A district attorney may, on behalf of a victim,
8 assert a right to which the victim is entitled at the request
9 of the victim.

10 E. The provisions of this section shall not limit
11 the district attorney's ability to exercise prosecutorial
12 discretion on behalf of the state in a criminal case."